

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)	
On Its Own Motion)	
)	
Consideration of the Federal Standard on)	06-0525
Interconnection in Section 1254 of the)	
Energy Policy Act of 2005)	

**REPLY COMMENTS OF COMMONWEALTH EDISON COMPANY
ON THE ISSUE OF A POTENTIAL TIME REQUIREMENT**

Commonwealth Edison Company (“ComEd”) submits these reply comments in response to initial comments of the parties on the issue of a potential time requirement imposed on Commission action in this docket by subsection (h) of new section 16-107.5 of the Public Utilities Act added by PA 95-420.

ComEd agrees with Staff’s observation that the most logical view regarding the “exemption” to the 120 day requirement with respect to the establishment of standards for interconnection is that the action already taken by the Commission in this proceeding triggers the exemption. ELPC’s contrary readings are misplaced. In particular, ELPC’s assertion (at p. 6) that the Commission has not already acted and has not established any standards is simply wrong. The Commission’s July 25 Interim Order in this docket adopted IEEE Standard 1547 as the technical standard for interconnections involving generators up to 10MW in size and recognized the practicality of awaiting the completion of the workshop process before issuing further orders. The Commission has clearly “acted on its own initiative”.

Moreover, if the statute, as ELPC, requires the Commission to have “completed” its action and the consideration of items mentioned in subsection (h), then the conditional language would have been completely unnecessary. Since the general rules of legislative interpretation, as

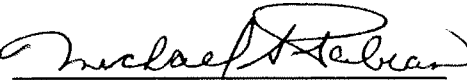
Staff points out, require us to give meaning to the statutory conditional language, ELPC's reading cannot be favored.

Second, ELPC's interpretation as to the scope of the interconnection focus of subsection (h) is overly broad. ELPC (at pp. 6-7) maintains that subsection (h) requires the Commission to establish standards for "all" state-jurisdictional interconnection arrangements, despite the fact that the definition of "eligible facilities" is limited to renewable generators and despite the fact that "eligible customer" has size and load-serving limitations. Again, a directive as broad in scope as advocated by ELPC would not be buried in a stand-alone section of the law whose title and sole focus is "net metering". Thus, if the Commission does still believe that it is required by subsection (h) to establish standards for interconnection, that focus should logically be limited to interconnections that qualify for net metering. These arrangements are limited in size and, in many cases, can avoid issues that are involved in larger interconnection arrangements. This alone justifies the "piecemeal" approach criticized by ELPC (at p.7).

Finally, ELPC's recommendation that Staff draft an emergency interconnection rule only makes sense in one case – if the emergency rule were to state simply that electric utilities must offer interconnection to net metering-eligible arrangements under reasonable and non-discriminatory terms and conditions and based on IEEE Standard 1547. It would not make sense

for Staff to draft an interim rule that “nailed down” all the details that are the subject of on-going discussion in the workshop meetings in this docket. As Staff noted, all the utilities are already offering interconnection. The Commission can certainly require that the utilities be reasonable and non-discriminatory in these arrangements.

Respectfully submitted,
COMMONWEALTH EDISON COMPANY

By: 

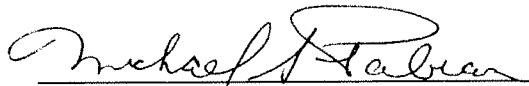
E. Glenn Rippie
Foley & Lardner LLP
321 N. Clark, Suite 2800
Chicago, IL 60610
(312) 832-4910
grippie@foley.com

Michael S. Pabian
Assistant General Counsel
10 South Dearborn Street, 49th Floor
Chicago, Illinois 60603
(312) 394-5831
michael.pabian@exeloncorp.com

DATED: September 25, 2007

Certificate of Service

I, Michael S. Pabian, hereby certify that I have served a copy of the foregoing Reply Comments of Commonwealth Edison Company on the parties by electronic mail, this 25th day of September, 2007.


Michael S. Pabian